IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

TRUST PETITION NO.3 OF 2005

Haroun Alim A.R.Yusuf & Ors. ..Petitioners

Vs.

Faruq A.R.Yusuf & Ors. ..Respondents

Mr.S.P.Dalal i/b Dalal and Co.for the petitioners

Ms.Yogita Jain for the respondent no.1

AND

TRUST PETITION NO.4 OF 2005

Haroun Alim A.R.Yusuf & Ors. ..Petitioners

Vs.

Faruq A.R.Yusuf ..Respondent

Mr.B.R.Zaveri for the petitioners

Ms.Yogita Jain for the respondent

CORAM : S.U.KAMDAR, J
DATED : 16TH FEBRUARY, 2006

P.C.:

1. The present petition is filed in respect of a trust Sir Mohamed Yusuf Trust. Petitioners and the respondent are the trustees of the said trust. The beneficiaries have given their consent for the

sale of the property. Respondent has filed an affidavit in reply to the present petition and has also consented to the sale of the property. Valuation Report is at Ex.E dt.7.5.04 and the offer is given which is higher than the Valuation Report.

2. In that light of the aforesaid, and in view of the fact that the Respondent has given no objection to sell the property and is only seeking share in the income which will be arrived from the sale of the property, petition is made absolute in terms of prayer clause (a) to (d). Further direction is given to the petitioners that the income from the sale of the property to be distributed among the beneficiaries in accordance with the deed of the trust. However, it is clarified that there is no sanction to grant any lease but only sale of the property. Petitions are disposed of accordingly. No order as to costs.